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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,409	10/01/2003	Lihui Zhang	6741P002	8065
45062	7590	05/25/2010	EXAMINER	
SAP/BSTZ			IWARERE, OLUSEYE	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP			ART UNIT	
1279 OAKMEAD PARKWAY			PAPER NUMBER	
SUNNYVALE, CA 94085-4040			3687	
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05/25/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LIHUI ZHANG and CHRISTIAN R. W. BUTZLAFF

Appeal 2010-003454
Application 10/676,409
Technology Center 3600

Before DALE M. SHAW *Division 2 Support Administrator*

ORDER REMANDING APPEAL TO EXAMINER

This is a Director ordered remand under 37 C.F.R § 41.35(c) for the matter identified below. Accordingly, the application is herewith being remanded to the Examiner.

This application was electronically received at the Board of Patent Appeals and Interferences on January 14, 2010. A Docketing Notice was mailed on February 16, 2010.

Claims 1-3 and 10-13 of the instant application contain functional language that may be indefinite under 35 U.S.C. § 112, 2nd paragraph. See *Ex Parte Rodriguez*, 2009 WL 3756279 (BPAI 2009) and *Aristocrat Techs. Austl. Pty. Ltd. v. It'l. Game Tech.*, 521 F.3d 1328 (Fed Cir. 2008). On September 2, 2008 the Deputy Commissioner for Patent Examination Policy, John J. Love, issued a memorandum entitled “Rejections under 35 U.S.C. 112, second paragraph, when examining means (or step) plus function claim limitations under 35 U.S.C. 112, sixth paragraph”, located at: http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/section_112_6th_09_02_2008.pdf. Thus, there is a question as to whether claims 1-3 and 10-13 and the claims which depend upon these claims, meet the requirements of being definite under 35 U.S.C. § 112, 2nd paragraph.

Accordingly, it is ordered that the application is remanded to the Examiner to determine if claims 1-3 and 10-13 and the claims which depend upon these claims, meet the requirements of 35 U.S.C. § 112, 2nd paragraph.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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